



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**GOVERNOR'S ADVISORY COUNCIL (GAC)
TO THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (DDDS)**

May 19, 2016

The Governor's Advisory Council to the DDDS met on May 19, 2016, at the 1056 Woodbrook Conference Room in Dover.

COUNCIL MEMBERS PRESENT: Terri Hancharick, Chair
Thomas Rust
Timothy F. Brooks, Ed.D.
Angie Sipple
Gail Womble
Jamie Doane

COUNCIL MEMBERS ABSENT: Susan Pereira

STAFF MEMBERS PRESENT: Terry Macy
Lynda Lord
Vicky Gordy - minutes

GUESTS PRESENT: None

CALL TO ORDER: The meeting was called to order at 11:15 a.m.

APPROVAL OF MINUTES: The April 21, 2016, minutes were approved.

NEXT MEETING: June 16, 2016

AGENDA-ADDITIONS: No additions requested

STAND Program

DDDS is reactivating the STAND Program. The trainers are re-energized to provide self-advocacy training to the two target groups, people that reside in neighborhood homes and recent high school graduates. Development of a train-the-trainer model is desired to support expansion of the STAND Program to provide more self-advocacy tools to become more independent and "stand" on their own.

Center for Disabilities Studies Grant Application

The abstract of grant "Improving the Health of People with Mobility Limitations and Intellectual Disabilities Through State-Based Public Health Programs" was distributed to GAC. Kent-Sussex Industries is engaged with Center for Disabilities Studies to assist. Grant applications cutoff date was April 19, 2016; therefore, the grant award announcement is expected soon.

PM46 Activities

On May 10, 2016, Jill Rogers, DDDS Director, sent information referencing “DDDS Approach to Health and Safety” to all provider agencies via email. A copy of the email was distributed to GAC.

Over the next 90 days, DDDS will be conducting in-depth review of DDDS and provider processes to insure the safety and well-being of the people we serve. Due to fluid schedules, and visiting different state locations, DDDS plans to take opportunities to visit as they arise. DDDS is currently working on communication plan for unscheduled visits.

DDDS is presently developing a project team that is committed to review the complete PM46 process. Through this process, DDDS plans to develop a standardized tool for corrective action plans. DDDS met with Long Term Care Resident Protection (LTCRP) to determine if agencies may collaborate to develop the standardized tool in an effort to satisfy needs of both agencies and to expedite the process. Reviewing risk mitigation strategies, including assisting provider agencies to create specific, time limited, detail/task oriented plans for easily re-addressing is in discussion as well. DDDS plans to streamline the PM46 process of investigation and corrective action plans for future follow-up. Plans also include analyzing the enormous amount of data from DDDS to get a larger picture for continuous improvement in an effort for a larger systemic partnership with DDDS and provider agencies for an improved system.

Distributed to the GAC was the new Department of Health and Social Services (DHSS) PM46 policy – “Reportable Critical Incidents” that became effective March 16, 2016. Conversations with provider agencies revealed that direct support personnel (DSP) voice anxiety/high concerns that they would be subject to a PM46 and banned from industry. This led to DDDS requesting statistics from LTCRP surrounding this subject, which revealed that a very small number of PM46 results in banning DSP from the industry.

Lack of communication to parents/guardians from LTCRP is of concern to GAC. Reportedly, LTCRP letters arrive late or not at all and when received, essentially the letter reports that the issue is resolved. GAC is also unsure what exactly PM46 covers. Also of concern is if PM46 reports follow the employee when accepting positions at other provider agencies. GAC also rose what constitutes placement on the Adult Abuse Registry. Once review is completed and policy is revised, the GAC suggested rolling out to provider agencies, individuals, and parents/guardians. DDDS assured GAC that a communication strategy would be addressed by project team. A PM46 presentation will be provided to GAC by DDDS’ Deputy Attorney General during the June 16, 2016, meeting.

The GAC discussed the use of “trackers” by parents/guardians for individual’s that get lost easily and at the same time give parent/guardian access to location of person. DDDS continues work with self advocates and in some cases, families to inform of their rights to file a rights complaint. Rights complaints have increased, DDDS believes due to this work.

CORE Transition

Interviews for the DDDS Data Unit Director, who will manage the Cx360 project, are scheduled for next week. DDDS continues work with DHSS Information Resource Management Unit to acquire a short-term project manager during the interim period. The system is not expected to “go live” until the fall of 2016, instead of July 1, due to the current project manager’s retirement. DDDS has contracted with

Therap for limited use during this period. Provider agencies are receiving this information during regional provider meetings.

JRC

DDDS continues dialog with families and family's attorneys funded by JRC. Provider agencies have and continue to meet with families. One provider agency determined they are unable to support individuals. Out of state provider agencies are being sought as well as in state.

Reportedly, families/attorneys sent 65 questions to provider agency that were addressed. Payments are suspended due to Medicaid denying request from JRC for a fair hearing as all payments to JRC are state funds. The outcome of denying Medicaid Fair Hearing request took approximately two years. The FDA has engaged in determining if aversion treatments on humans should be banned. An outcome is expected soon.

During a recent DDDS provider agency meeting, discussion surrounding provider agencies struggling managing behavior occurred. Provider agencies are pleased with the idea of bringing more resources to Delaware.

DDDS connected with Ukeru, based in Virginia to inquire about providing a two-day training sessions as a pilot for provider agencies in Delaware. Ukeru is open to working with DDDS. Ukeru is about receiving, engaging, sensing, feeling and responding to what someone is trying to communicate through actions, while maintaining the safety of all involved while restraint free. Reportedly, Ukeru's training outline is powerful. The next step is telephone conversation with others to lead to contracting.

Community Rule – Tennessee's Approved Transition Plan

Tennessee continues to be the only state that received transition plan approval from CMS to date. The summary from NASDDDS relating to the approval was distributed to GAC. Tennessee took a strong position in achieving goals before the 2019 deadline. The procedure to solicit everyone's participation is methodical. At the beginning of Tennessee's survey tool it was clear that if programming supports "yes" answers to questions, documentation of how met must be shown; if unmet must be built into programming.

The following link provides more information relating to Tennessee's Transition Plan under the "HCBS Settings Resources" tab: <https://tn.gov/tennicare/topic/transition-plan-documents-for-new-federal-home-and-community-based-services>.

Delaware's waiver amendment is targeted to send to CMS for approval on July 1, 2016. CMS approval process takes approximately six months.

Community Rule Stakeholder Meetings – DDDS Role in Promotion of Positive Change

DDDS began completing "look behind" surveys as follow up to provider agency's self surveys. DDDS is committed to providing support to provider agencies however necessary including but not limited to providing strategy for transitioning to Community Rule compliance.

The GAC discussed how college students can collaborate, build friendships, and partnerships to individuals participating in day programs. This not only brings positive change for individuals but also assists students with required projects. Connecting students with people experiencing intellectual

developmental disorder(s) also supports a positive cultural change as friendships, relationships, and partnerships grow.

The CMS Home and Community Based Services Final Rule: Delaware's Transition Plan, presented during the follow-up disabilities discussion meeting held at Buena Vista on April 25, 2016, was distributed to GAC. This presentation provides a summary/overview of Delaware's Transition Plan.

Supported Decision Making – Potential Role of DDDS in Recruitment & Skills Development

Senate Bill 230 - Supported Decision Making has been voted out of the Committee and waiting to get on the floor of the Senate.

The Supported Decision Making Committee presented at the Transition Council this morning to include the video, and Laura Waterland's presentation from the Disabilities Law Firm describing options under Supported Decision Making. The GAC received a comparison of decision making options in Delaware.

Vacancy, Development Review, and Census

Total vacancies equal 29 (3%); 20 in group homes (6 are ARC homes), 9 in community living arrangements with a capacity of 6 (vacancies never filled; not counted on report until filled, then vacated).

As of July 1, 2015, 51 people chose placement and moved in, 10 people have chosen placement with an established date to move, with 65 people currently shopping for placement. There were 23 emergency temporary living arrangements (ETLA) made as of July 1, 2015 (lower than past few years attributed to sending more "shopping letters" leading to more placements for vulnerable applicants).

The March 2016 census was distributed to GAC.

Other

Information pertaining to the National Community of Practice for Supporting Families Across the Lifespan was distributed and discussed by Council. The Developmental Disabilities Council and DDDS are collaborating in project. The next steps are to create a core steering group and larger work group whose first charge is to create a kick-off event to take place in September/October of this year.

Announcements and Informational Items

Pat Weygandt's retirement was announced, effective June 1, 2016. The GAC thanked Pat for all her hard work supporting families over her 28 years of employment with DDDS. Also retiring are Mary Anderson, Robert Goodhart, Paul Richard, and Sarah Marvian.

Jamie Doane announced that she is not reapplying to remain on the GAC once her term expires as she plans to apply to be a child advocate for the courts.

Adjournment

The meeting adjourned at 12:55 p.m.